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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Guatemala

Constitutional and legislative framework and harmonization of laws

1. Please provide information about the steps taken in the context of the ongoing reform in the State party, including of the Constitution, the justice sector and the Labour Code, to promote, enforce and monitor equality and non-discrimination on the basis of sex in all areas covered by the Convention, in line with indicator 5.1.1 of the Sustainable Development Goals. For all areas of law, in particular family law, criminal law, civil law and labour law, please indicate in how many cases judges have made reference to the provisions of the Convention.

2. Please indicate how the State party addresses intersecting forms of discrimination against women, including through legislation and public policies designed to ensure the equality of women with men, targeting the most vulnerable groups of women in particular (see CEDAW/C/GUA/CO/7, para. 12). What mechanisms are in place to monitor and measure progress in the eradication of racism and ethnic and gender discrimination in public institutions?

Access to justice and legal complaint mechanisms

3. Please provide information on the mechanisms and procedures available to women, including complaint mechanisms in cases of gender-based discrimination, and the accessibility, availability and quality of legal counselling for women in all areas of law. What measures has the State party taken to guarantee the coverage of legal counselling services beyond departmental capitals and the cultural relevance

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of such services, in particular in cases of violence against women, femicide and trafficking of women and girls (see ibid.)? Please also provide updated information on the impact of the institutional policy for technical and legal counselling with an intercultural, indigenous women and gender perspective on access to justice, in particular for rural and indigenous women and women of African descent (para. 18).[1]

Women and peace and security

4. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide an evaluation of the 20 years of implementation of the peace agreements, including the transitional justice mechanisms in place to deliver justice and reparations to women, and the principal remaining challenges. Please indicate what specific steps are being taken to provide compensation to women who were victims of sexual violence during the internal armed conflict, in particular indigenous women and widows, with particular regard to the implementation of the National Compensation Programme and the fulfilment of the relevant rulings of the Inter-American Court of Human Rights.

National machinery for the advancement of women

5. Please provide information on the current institutional status, mandate and human and financial resources of the Presidential Secretariat for Women, indicating the proportion of the national budget that it receives. Please describe the specific steps taken to strengthen the Presidential Secretariat and coordinate policies and mechanisms at the central, regional and local levels and among all branches of government, including information on the hierarchy, budgets and activities of gender units (paras. 49 and 50), in the light of indicator 5.C.1 of the Sustainable Development Goals. Please provide information on the mandate of the municipal women's offices established under the Municipal Code (para. 9) and on how the State party ensures that the functions of the offices correspond to national priorities. Please explain how the National Policy for the Advancement and Development of Guatemalan Women and Equal Opportunities Plan, covering the period 2008-2023, is made operational at the municipal level (para. 200). Please provide information on the mechanisms in place to evaluate the implementation of existing plans and projects on the lives of women (para. 46).

6. Please explain the existing coordination mechanisms between the Presidential Secretariat for Women and other entities with a mandate to protect and promote women's human rights, including the Office for the Defence of Indigenous Women's Rights, the National Office for Women's Affairs and the First Lady's Social Work Secretariat, with a view to implementing the Convention (see CEDAW/C/GUA/CO/7, para. 18). Please update the Committee on the status of the bill on the Ministry of Women.

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

Temporary special measures

7. Please inform about the steps taken to introduce specific legislation on the adoption of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures in order to accelerate the realization of women's de facto equality with men in areas in which women are underrepresented or disadvantaged (see ibid., para. 16).

Stereotypes

8. Please provide information about the adoption of a comprehensive strategy to eliminate gender stereotypes relating to women in schools, the family and society at large and, in particular, discrimination against women based on their ethnicity (see ibid., para. 20).

Gender-based violence against women

9. Please provide updated information on the functioning, since information was provided by the State party in follow-up to the concluding observations of the Committee in 2010 (CEDAW/C/GUA/CO/7/Add.1), of the National Coordination Body for the Prevention of Domestic Violence and Violence against Women and the efforts made, including the human and financial resources employed, to strengthen its work and inter-institutional coordination, in particular to address violence against women and femicide and to prevent its mandate from overlapping with other related mechanisms created between 2012 and 2016. Please provide information on the budgetary and other steps taken to strengthen the comprehensive support centres for women who are survivors of violence and ensure their availability in all departments throughout the State party.

10. Please indicate what measures are in place for preventing, responding to and prosecuting violence against women throughout the State party. Please also indicate what special steps have been taken to limit the availability and use of firearms and to protect women from gangs, which are directly responsible for increasing violence, femicide and internal displacement.

11. Please provide information on the steps taken to address the concerns and recommendations of the Committee on the Rights of Persons with Disabilities on the situation of women and girls with disabilities. Please indicate what steps have been taken to prevent and eliminate violence, ill-treatment, abuse, corporal punishment, abandonment, institutionalization and forced sterilization of women and girls with disabilities (see CRPD/C/CO/GTM/1, para. 50).

Trafficking and exploitation of prostitution

12. Please provide information about the measures aimed at combating and preventing the trafficking and sexual exploitation of women and girls, including any measures implemented through regional and international cooperation and measures adopted to combat impunity, in particular in cases involving public officials. Please indicate what the impact has been of the implementation of the national prevention and protection policy and the mechanisms aimed at combating the sexual exploitation of girls in the travel and tourism sector (paras. 94 and 95). Please

explain the steps taken to increase the number of centres and the quality of intercultural services specifically designed to shelter women who are victims of sexual violence, exploitation and trafficking in persons, such as the temporary specialized shelter programmes (para. 97).

Participation in political and public life

13. Please provide an assessment of the obstacles facing women in their participation on an equal footing with men in political and public life, in particular rural women, indigenous women and women with disabilities. Please explain the measures that the State party will adopt with the aim of increasing the participation of women in political life (see CEDAW/C/GUA/CO/7, para. 26), given that the amendment to the Elections and Political Parties Act did not include parity, the alternation of men and women on lists of candidates submitted for election by political parties and civic committees or the principles of gender equality, notwithstanding two favourable rulings by the Constitutional Court. Please also include information about any measures, including temporary special measures, aimed at promoting the access of women to high-level governmental positions in the executive and judicial branches and the foreign service.

14. Please indicate what legal, institutional and other measures have been adopted or are envisaged in the immediate future to protect women human rights defenders and journalists, in particular those working to defend indigenous women, sexual and reproductive rights and land rights, from threats, intimidation and harassment and to highlight attacks and offences against them. Please provide information on the functioning of the existing Division for the Protection of Persons and Security of the National Civil Police with regard to the protection of human rights defenders and journalists, the number of cases that have been received and the barriers to the prosecution of perpetrators.

Education

15. Please explain the steps taken to ensure the entry of girls, in particular indigenous and rural girls, into formal and informal education at all levels, in particular secondary and tertiary education, and their retention therein. Please indicate what services are provided for pregnant adolescents to ensure that they remain in school and can re-enter the school system after delivery. Please provide information on the steps taken to promote the access of indigenous girls and women to bilingual education with culture-sensitive textbooks and other educational materials (para. 160). What specific measures have been adopted to ensure enabling environments for the sustainable success of the literacy campaigns for persons over 15 years of age, in particular women (para. 143)?

Employment

16. With reference to the Committee's previous recommendations on employment (CEDAW/C/GUA/CO/7, paras. 30 and 32), please provide additional information about the measures aimed at promoting employment and income-generating opportunities for women, in particular indigenous women, rural women and women living in poverty. Please inform the Committee about the situation of women who work in the informal sector, private homes, the agricultural sector and the maquila

industry (para. 180) and the mechanisms in place for inspecting working conditions, protecting the health and safety of women and guaranteeing their access to social protection measures. Please indicate what efforts have been made to eradicate the worst forms of child labour (see CEDAW/C/GUA/CO/7, para. 32), especially among girls, and to fulfil the related national strategy (para. 181). Please also provide information on the existence of any minimum regulations regarding women domestic workers and the steps taken to protect women from abusive practices and ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Health

17. Please provide information on the main results of the Zero Hunger Pact and its plan for combating chronic and acute under-nourishment and malnutrition, in particular among girls and women (paras. 21 and 218-221). Please include statistical information disaggregated by sex and age and provide information on the specific steps taken to ensure food security, in particular among girls, pregnant women, children under 2 years of age, breastfeeding mothers, women of child-bearing age, women with disabilities and older women.

18. Please provide updated information on the implementation of the national policy on midwives of the four peoples of Guatemala, covering the period 2015-2025 (para. 195). Please also provide information on the measures aimed at preventing and reducing adolescent pregnancy, in particular among indigenous women and girls, taking into account the root causes, and on any studies that have been conducted in that regard. Please indicate what steps have been taken to guarantee access to age-appropriate sexual and reproductive education and health-care services and counselling to girls and women (see CEDAW/C/GUA/CO/7, para. 40).

19. Please indicate what steps have been taken to implement the Committee's previous recommendation regarding health (see ibid., para. 36), in particular to increase the coverage and accessibility of medical services for women, predominantly in rural areas and indigenous communities. Please also indicate what steps have been taken to revise legislation criminalizing abortion, prevent unsafe abortions and address the impact of unsafe abortions on women's health and maternal mortality.

Rural women

20. Please provide information on the specific measures aimed at promoting the economic empowerment of women, in particular rural women, indigenous women and women of African descent, and their access to land and credit (see ibid., para. 34). Please indicate what steps have been taken to recognize, remunerate and guarantee the rights of women agricultural workers, taking into account the Committee's general recommendation No. 34 (2016) on the rights of rural women. Please also indicate what the relaunch of the Office for the Defence of Indigenous Women's Rights entails (para. 11) and whether the measures implemented by the Ministry of Economic Affairs have facilitated the economic empowerment of rural women, indigenous women and women of African descent (para. 78).

Disadvantaged groups of women

21. Please provide information on the mechanisms in place, including consular services, to protect and promote the rights of migrant women who are intercepted abroad or deported to the State party and the steps taken to promote their reintegration into society.

Marriage and family relations

22. Please provide information on the measures for the dissemination of Decree No. 8-2015 establishing the minimum age for marriage at 18 years for men and women, with exceptions, so as to eliminate child marriage, and the mechanism for monitoring its implementation. Please also provide information on the steps taken, including awareness-raising campaigns, to prevent child and forced marriage, predominantly in rural areas and indigenous communities, where customary unregistered marriages are frequent.